

TASMANIA v COLIN EDWARD REID
COMMENTS ON PASSING SENTENCE

27 JUNE 2007
TENNENT J

You have been found guilty by a jury of the aggravated burglary of premises at Cressy in April 2002 and the stealing of items from that property.

As to the aggravated burglary, by their verdict the jury were satisfied that on the night of 27 April 2002 you, your father Kerry and your then girlfriend, a 16-year-old, KC, broke into a property occupied by Russell Jones at Main Road Cressy. You and your father removed a quantity of property which included a television, video recorder, microwave, UHF radios and related equipment, a camera, a video camera and some jewellery.

What became of all the stolen property is not known. However, I accept that at least two of the stolen items were found in 2005 in your possession.

You are now aged 24. You were 19 at the time of this crime. You are currently employed at a hardware business where you have been for five months. You are single with no dependents. At the time this crime was committed you had one relevant prior conviction, having been dealt with in this Court for a burglary and stealing committed in February 2001. You did not go to gaol for that crime although you have since been jailed for assault. You have not been dealt with by the courts for any other dishonesty matters since.

I accept that the instigator of the burglary was your father. There was no evidence you gained any financial benefit save perhaps the Panasonic television and NEC video recorder. You appeared to have had fairly consistent employment since leaving school, even working in positions of trust with a security firm for some two years after your initial conviction for dishonesty.

I accept from the evidence and my observations of you during the trial that your role in these crimes was brought about by your father and that you, in turn, brought your 16-year-old girlfriend into them. While you are to be sentenced for two of the same crimes as your father, from a practical point of view your level of culpability is probably less and there are factors which suggest you should be treated differently.

There must be a deterrent sentence imposed, not only in respect of you, but others who might be inclined to act in a similar way. However, an immediate custodial sentence in your case is not warranted. You will be convicted of one count of aggravated burglary and one count of stealing. You will be sentenced to serve a period of 5 months' imprisonment backdated to 15 June 2007. The balance of the sentence as from today will be suspended on condition that for a period of 2 years you commit no offence involving dishonesty and otherwise be of good behaviour during that period.

You are to pay a victim of crime compensation levy of \$100 within 3 months.